

Confidential

Collection no. 49 of
40-41.

1940-1941.

CB, 189-40-1

B. Jan 1941.

Subject - Proposal to appoint
Mr. B-H. Chandrashekhariah
as president of the Legislative
Council.

CONFIDENTIAL.

Collection No. 49 of 40-41

Year 1940-1941

and Revenue
Secretariat.

ential Branch.

C.A. 189-40-1

B. 24/1941

SUBJECT

*Proposal to appoint
Mr D. H. Chandrasekhariah
as president of the Legislative
Council.*

PREVIOUS REFERENCES.

LATER REFERENCES.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Proposal to appoint Rajasabhabhushana
Dewan Bahadur K. R. Srinivasiengar as President
of the Legislative Council.

Order.

CB.
Maybe filed confidentially.
Please see P.S.'s letter
for orders on this subject.
C.B. 190-110-1) MS
6.6.41

Submitted to His Highness.

According to the provisions of Section 16 of the Government of Mysore Act, 1940, the President of the Legislative Council for the duration of the first term of the Council is to be appointed by His Highness the Maharaja.

The reconstituted Legislative Council is scheduled to meet for the Budget Session on the 23rd June 1941, and the work connected therewith begins two months earlier. It is, therefore, necessary that the President of the Legislative Council should be appointed as early as possible so that he may enter upon his duties by the beginning of May at the latest.

The Members of Council, who were consulted as to who might be appointed, were of opinion that Rajadharmapravina Diwan Bahadur K. S. Chandrasekhara Aiyar was well suited for the office. I am, however, of opinion that Rajasabhabhushana Diwan Bahadur K.R. Srinivasiengar, Retired Member of Council, is perhaps the best qualified among those available in Mysore for filling this high office. I may note here that Mr. Chandrasekhara Aiyar declined to be the Chairman of the Reforms Committee. Mr. Srinivasiengar, however, accepted the invitation and guided the deliberations of the Committee for about 18 months with great tact and ability to a successful termination. Throughout his long period of service, he has had opportunities of acquiring a first-hand knowledge of the working of the administration. He has been an official member of the Legislative Council from 1914 to 1926 and a non-official member from 1930 to 1940. Thus as a member of the Legislative Council for nearly a quarter of a century, as a member of the Reforms Committee of 1923, and as a Member of the Executive Council, he has acquired a thorough knowledge and experience of the working of the Mysore Constitution, and lastly as Chairman of the Reforms Committee, he is exceptionally well-qualified to understand the spirit of the Constitutional Reforms recently granted for the State. It would be a great advantage, therefore, to utilise his knowledge and experience in giving concrete shape to the scheme of Reforms. It would,

Submitted to H. H. (contd.)

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2.

moreover, be a fitting recognition of the services that he has rendered as Chairman of the Reforms Committee.

My suggestion, therefore, is that Mr. Srinivasiengar may be appointed President of the Legislative Council; but his term may be limited to two years instead of four.

Mingra M. Dimal

DEWAN.

Bangalore,

17th April 1941.

Confidential



Vasantha Mahal, 7

Mysore,

12th May 1941.

My dear Mirza,

With reference to the question of the appointment of the President of the Legislative Council under the new Act, I have been asked by His Highness the Maharaja to request your advice and that of the Members of Council as to the possibility of selecting for this office, in lieu of a retired official, some gentleman who has taken a part in the public life of the State. His Highness fully recognizes the importance of securing some one who is held in general respect, and who has the character and ability to enable him to establish the conventions that will be so necessary in the future life of the Council. At the same time he feels that, if such a gentleman could be found among those who have taken part in the public life of the State, such an appointment would be generally welcomed by the people concerned, and might, at the same time, facilitate the solution of the difficult problem of giving representation to the principal communities in the executive.

I have always made no
recommendation to His Highness.

I see no reason to change my
view in any way.

I shall be obliged if the Joint Members
will kindly submit their own & the Maharaja's
views to His Highness in the matter.

Yours sincerely,

Godananda

BNR

13-5-41

15th May 41

Sir Mirza M. Ismail has passed on to me your Confidential letter dated the 12th May 1941, regarding the appointment of the President of the Legislative Council, with the following observations:-

"I have already made my recommendations to His Highness and I see no reason to change my view in any way. I shall be obliged if the First Member will kindly submit his own and the Second Member's views to His Highness direct in the matter."

I have accordingly consulted the Second Member and our views on the subject are noted below:-

The Committee on Constitutional Reforms in Mysore, 1939 observed in Para 187 of its report, that it was high time to give the Legislative Council the privilege of having its own President outside the Executive to preside over its deliberations and regulate its business. It proposed, therefore, that the Council should in future have a non-official President elected by the House itself, subject to the approval of His Highness the Maharaja; but as the conduct of business in a deliberative assembly is a task which requires experience, it further recommended that for the first term, the President might be nominated by His Highness the Maharaja. This recommendation was accepted by the Government and is embodied in the Government of Mysore Act.

The Council considered that the first President, might, with advantage, be a retired official of high status unconnected with politics so that he might command prestige both in and outside the House and help in establishing sound parliamentary conventions.

In making this recommendation, the Council had in view the considerations urged and the practice followed in British India when legislatures were constituted under the Government of India Act, 1919.

*At that time the expediency of de-officialising the
Presidentship of these bodies was still open to doubt*

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In Mysore, emphasis is placed on the President being a non-official and the fact that he is to be given the rank and status of a Minister as well as a substantial salary has made the place a coveted one. While there are certain obvious advantages in appointing a high retired official for this post, it seems to us that in our present state of affairs a non-official gentleman who, with experience in public life might well be considered for the office. It is not difficult to find a few gentlemen of this type who are not aggressive politicians or who would be willing to give up politics during the period they occupy the Presidential Chair. The choice of such a person is likely to be appreciated as a political concession. There is also considerable force in the view expressed in the latter part of your letter that such a selection might facilitate the solution of the difficult problem of giving representation to the principal communities in the Government.

Sir Charles Todhunter, K.C.S.I.;

Private Secretary to His Highness
the Maharaja of Mysore,

M y s o r e.

P.S.- I enclose a short note reproducing the views expressed by various authorities on the choice of President for legislative bodies in India.

The authors of the Mont-ford Report suggested that the Governor should remain President of the Provincial Legislative Council, and that in the case of the Central Legislature, the Council of State should be presided over by the Governor General himself and the Legislative Assembly by the a President nominated by the Governor General.

The Joint Select Committee who considered this question very carefully were, however, of opinion that the Governor should not preside. They advised that, for a period of four years, the President - should be appointed by the Governor and that where-ever possible, it would be a great advantage if some one could be found for that purpose who had had parliamentary experience. The Committee attributed the greatest importance to the question of the Presidency of the legislative Council. They stated that it would "in their opinion conduce very greatly to the successful working of the new councils if they were imbued from the commencement with the spirit and conventions of parliamentary procedure as developed in the Imperial Parliament."

Provision was accordingly made under sections 63B, and 72 C, of the Government of India Act, 1919 for the President of the Legislative Assembly being appointed by the Governor-General for the first four years and by the Governors for the first four years of the provincial legislative Councils.

In pursuance of these provisions, active or retired members of the Governors' Executive Councils

were appointed as Presidents of the Legislative Councils of some of the Provinces. In the case of the Legislative Assembly, Sir Frederick Whyte, a distinguished member of the House of Commons, was appointed by the Governor-General to be the first President. Sir Frederick Whyte was succeeded in 1925 by Mr. V.J. Patel, a prominent member of the Swarajist party who was elected by the Assembly.

The Indian Statutory Commission who enquired into the working of the system of Government in British India in all its aspects made the following observations with regard to the Presidential Chair at Delhi: -

" In nothing is the contrast between Westminster and Delhi more striking than in the position assumed, and the influence exercise, by the occupant of the Chair of the Assembly. He claims and employs, powers of interference which would be quite contrary to the stricter limits of the Speakership - - reprimanding a government member of the Council of State for not attending and speaking at a debate in the Lower House, advising the Government not to proceed with important business when the Swarajists walked out, expalaining his view of the proper operation of the so-called Fiscal Convention, and so forth. We are bound to make plain the difference, lest it should be supposed that the traditions and Commons were being reproduced in the Indian Legislature. The explanation of the contrast, we venture to think, is not unconnected with the fact that, whereas in the House of Commons there is always a government majority which may be depended upon to support the authority of the Speaker, any majority upon which the President of the Assembly may be disposed to lean, is necessarily found in the ranks of the Opposition. It is not to be presumed or expected that the spirit of British parliamentary institutions can be transplanted and reproduced automatically in so different an atmosphere, and there are many other models for the Speakership besides the model at Westminster. Lord Bryce described one in his book on the American Constitution, and the student of comparative institutions may find there a much closer parallel to the practice of the President of the Legislative Assembly."

The Committee on Constitutional Reform in Mysore thought that it was high time to give the Legislative Council the privilege of having its own President outside the Executive to preside over its deliberations and regulate business. They proposed therefore in para 187 of their report that the Council should in future have a non-official President elected by the House itself subject to the approval of His Highness the Maharaja, but as the conduct of business in a deliberative assembly was a task which required experience, they recommended that for the first term the President may be nominated by His Highness the Maharaja.

This recommendation was accepted by the Government in Para 48 of their order on the report of the Reforms Committee. It is accordingly provided by sub-section (1) of Section 16 of the Government of Mysore Act, 1940, that there shall be a President of the Legislative Council, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by His Highness the Maharaja, and shall thereafter be a member of the Legislative Council elected by the Legislative Council and approved by His Highness the Maharaja.

C o p y.

19

No 4347 / CS. 189-40-1
Dated 4.6.41

Notification.

His Highness the Maharaja has been
pleased to appoint Mr. D. H. Chaudhary
as ^{the} President of the ~~first re-constituted~~
Legislative Council under Section 16 (1)
of the Government of Mysore Act.

By Order,

MH
4/6/41
Chief Secretary.

MH
4/6/41

434W/O.D.189-40-1.

General and Revenue Secretariat, 4th June 1941.

Dated Bangalore,.....194 .

NOTIFICATION.

His Highness the Maharaja has been pleased to appoint
Mr. D. H. Chandrasekharaiya, B.A., LL.B., as the President of
the Legislative Council under Section 16 (1) of the Government
of Mysore Act.

By order,



Chief Secretary to Government.

T o

The Compiler, Mysore Gazette, for publication
in the Gazette.

...

No. 4348/C.B.

22/1

23

4th June 41

Dear Sir,

I am desired to send you herewith a copy
of Government Notification issued to-day appoint-
ing you as the President of the Legislative Council.

22/1

D. H. Chandrasekharaiya, Esqr., B.A., B.L.,
Advocate, Davangere, (Camp) Mangalore.

DEW... OFFICE
3. JUN. 1941
NO. 8366

25

Bangalore,
5th June 1941.

With reference to Government Notification No.4347/C.B.
189-40-1 dated the 4th June 1941, appointing me as President
of the Legislative Council, I have assumed charge of the
Office of the President, this day forenoon.

D. H. Chandrasekharendra

President,
Legislative Council.

Sd/-

Dawn)

ms
5/6/41

ms
5/6/41

ms
6/6/41

C o n f i d e n t i a l .

Sir Mirza M. Ismail has ~~expressed his~~
passed on to me
~~views in his Confidential letter to me,~~
dated the 12th May 1941, regarding the ap-
pointment of the President of the Legislativ
Council with the following observations: -
" I have already made my recommendations to
His Highness and I see no reason to change
my view *in any way.* ~~(In any way.)~~ I shall be obliged
if the First Member will kindly submit his
own and the Second Member's views to His
Highness direct in the matter."

I have accordingly consulted the Second
Member and our views on the subject are
noted below.-

The Committee on Constitutional Reforms
in Mysore, 1939 observed in Para 187 of its
report that it was high time to give the
Legislative Council the privilege of having
its own President outside the Executive to
preside over its deliberations and regulate
its business. *Sh* ~~They~~ proposed therefore, that

the Council should in future have a non-official President elected by the House

itself, subject to the approval of His

Highness the Maharaja; but they ~~proceeded~~

^{as} to observe that the conduct of business

in a deliberative assembly is a task which

requires experience. ^{May be better} ~~We would recommend~~ ^{that}

for the first term, the President ^{might} ~~may~~ be

nominated by His Highness the Maharaja.

^{this} ~~That recommendation while accepting in toto~~ ^{we}

by the Government and ^{is} ~~the~~ Constitution em-

bodied in the Government of Mysore Act. ^{the}

Council considered that the first President

might, with advantage, be a retired offi-

cial of high status unconnected with poli-

tics so that he might command ~~the~~ prestige

both in and outside the House ^{and help}

^{in establishing some parliamentary conventions.}

In making this recommendation, ^{the Council} ~~we~~ had

^{considerations as to} in view the practice followed in British

India when ~~the~~ legislatures were consti-

tuted under the Government of India Act,

1919. It cannot, however, be said, that

the appointment of high officials and even distinguished parliamentarians as Presidents of the legislative bodies for the first term has had a permanent effect in establishing sound traditions and practices in the working of representative institutions in India. ^{The} ~~as~~ remarks of the Simon Commission on this subject which are ^{quoted} reported in the accompanying note are significant.

In Mysore, emphasis is placed on the President being a non-official and the fact that he is to be given the rank and status of a Minister ^{as well as} ~~and also~~ a substantial salary ^{has made} makes the place a coveted one. While there ~~are precedents in certain foreign countries~~ ^{obvious} is a good deal to be said in justification ~~which partly~~ ⁱⁿ of our initial proposal to appoint a high retired official for this post, ^{for a term} it seems to us that in our present state of affairs ~~us that the possibility of the choice falling~~

~~These are equally valid arguments for the view that~~
~~appointing~~

^{non-official} ~~ing on~~ a gentleman who ^{possesses} ~~may become~~ prominent

^{not as prominent} in public life ~~should be excluded~~, and it ~~might well be considered~~ ^{f.A. Ch.}

It is not difficult to find a few gentlemen of

this type who are not aggressive politicians

or who ^{may} be willing to give ^{up} politics dur-

ing the period they occupy the Presiden-

tial Chair. There is ^{also} more considerable

force in the view expressed in your ^{the latter part of}

letter that such a selection might facili-

tate the difficult ^{solution of the} problem of giving the

representation to the principal communi-

ties in the Executive. *for*

The choice of such a person
is likely to be ^{appreciated} ~~regarded~~ as
a political concession.

0/12-2

...

See Charles, 17 March 1959

G.S. for

[Signature]

cks/-

DRAFT.

*P.S. I enclose a short note ^{reproducing} the
views expressed by various authorities on the choice
of ~~a~~ President for Legislative Council.*

Sei Muza Ismail has passed on to me

~~with reference to your~~
~~considerable letter of the~~
~~12th May last to Sir~~
~~Munza M. Ismail regarding~~
~~the appointment of~~
~~the President of the~~
~~regis Council which has~~
~~been passed on to the~~
~~members of Council with~~
~~the following remarks that I might~~
~~directly submit my own,~~
~~& the 2nd members~~
~~direct to you for sub-~~
~~mission to J. H. H., &~~
~~with to say that I~~

I am also

consulted the 2nd member
~~that~~ our views on the matter
~~are~~ as follows:

The Council considered
 that in the existing
 conditions in the State, where

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are acute
 then is much ~~concern~~
 difference between the parties & public
 men, & when ~~men~~ on to landing
 public men of independence &
 outlook who command influence
 & prestige among the people
 on few, it would
 be desirable to select as the
 first President, for the first term of
 of the ~~first~~ L-C
 an experienced & kind spirit of
 high standing - This is in accordance
 with the practice followed in Br
 and in ~~France~~ when the reforms
 were first introduced there - That was
 intended to, & did establish
 sound & ad. hms & practices in
 the working of Parliamentary
 system - 2 conditions in our state
 are, however, not very similar
 to those in Br India

J. Brown & Co. or feel that?

There is a great deal
to be said in favor

of the suggestion that you
make in your letter

of a gentleman well known
among those who have taken

part in the public life
of the state, his offer
will certainly be welcomed

by the people & it will
at the same time

facilitate the solution of
the difficult problem of giving
representation to the principal
communities in the state
in the service of the people.

38 is that the Commission should
be as of the — we are in favor
of the suggestion — we shall
on having for for suggestions
names for consideration

No. 4231/c.B.

26th May 1941

Dear Sir,

With reference to your request that His Highness may be graciously pleased to grant an interview to you, I am desirous to say that His Highness the Maharaja will be glad to see you on Thursday the 29th May 1941 at 3.15 P.M. at the Palace, Mysore.

Z.S.
M

H. Lingappa, Esq., B.A., LL.B.,
Advocate, Chikola.

No. 4232/cb.

211

26th May 1941

Dear Sir,

With reference to your request that His Highness may be graciously pleased to grant an interview to you, I am desired to say that His Highness the Maharaja will be glad to see you on Thursday the 29th May 1941 at 3 P.M. at the Palace, Mysore.

D.H.Chandrasekharaiah, Esqr., B.A., LL.B.,
Advocate, Davangere.

No. 4233/EB

El:1

26th May

41

Dear Mr. Navaneetham Naidu,

I am desired to enclose for your information a copy of communication addressed to Mr. H. Lingappa, to-day and to request you to kindly inform me if the letter has been duly received by the party.

G.S.

M. Navaneetham Naidu, Esqr., B.A., B.L.,
Deputy Commissioner, Shimoga District.

No. 4234/C.B.
El.

26th May 1941

Dear Mr. Mallappa,

I am desired to enclose for your information
a copy of communication addressed to Mr. D.H.Chandra-
sekharaiah to-day and to request you to kindly inform
me if the letter has been duly received by the party.

R. P. Mallappa, Esqr., B.A., LL.B.,
Deputy Commissioner, Chitaldrug District.

O.C.C.9740-41.

3623/47
OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT

Dated Chitaldrug, 27th May 1941

C.B.
17/5
28/5

Dear Sir,

With reference to your D.O.Letter No. 4234/C.B. dated the 26th May 1941, I write to state that Mr.D.H.Chandrasedkharaiya of Davangere is stated to have received your D.O.letter No.4234/C.B. dated the 26th May 1941 addressed to him. He is informed that he should wear Palace Dress

Yours sincerely,

To

Rajasevaprakashta,
B.T.Kesavaiengar, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

D. O. No. C.C. 59/40-41

Mr. M. Navaneetham.,
~~MR. M. SESHACHANDRA~~
DEPUTY COMMISSIONER.

479 3624
OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT. CB

Shimoga, Dated the 27th May 1941.

CB
ms
28/5

D

Dear Sir,

I have received your D.O. letter No. 4233/C.B. dated 26th instant, enclosing a copy of the communication addressed to Mr. H. Lingappa.

2. In reply, I write to state that Mr. Lingappa has duly received the letter referred to. I have ascertained this from Mr. Lingappa. I have informed him that he should appear in the Palace Dress.

Yours sincerely,

Navaneetham
28/5/41

Rajasevaprakashta

B.T. Kesaviengar, Esq., B.A.,

Chief Secretary to Government of Mysore, BANGALORE.

No. 4278/c.B.

29th May 1941.

My Dear Sir,

As desired by the First Member of Council,
I have written to Messrs. D. H. Chandrasekharaiya,
Advocate, Davangere, and H. Lingappa, Advocate,
Shimoga, intimating that His Highness the Maharaja
will be glad to see them on Thursday the 29th inst.
at 3 p.m. and 3.15 p.m., respectively, at the Palace.

28
/

Rajasababhushana
T. Thumboo Chetty, Esqr., B.A., O.B.E.,
Huzur Secretary to His Highness the Maharaja.

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ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

OFFICE OF THE FIRST MEMBER OF COUNCIL.

M, ~~P~~29th

3 P.M.

3.15 P.M.

D. H. Chandu Sekhara
 + — advocate Dan
 H. Lingappa — advocate Shree

N.B.—Should routine notes be written on small slips,
 the notes must be copied, or slips pasted on this form.